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In re Application of:	:	
FULLER, John	:	
U.S. Application No.: 10/566,114	:	DECISION ON RENEWED
PCT No.: PCT/GB04/02500	:	PETITION TO WITHDRAW
International Filing Date: 15 June 2004	:	HOLDING OF ABANDONMENT
Priority Date: 25 July 2003	:	(37 CFR 1.181)
Atty Docket No.: 7101P006	:	
For: HYDRAULIC VARIATOR	:	
CONTROL ARRANGEMENT	:	

This decision is issued in response to the "Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action" filed 14 September 2007, treated herein as a renewed petition under 37 CFR 1.181. No petition fee is required.

**BACKGROUND**

The procedural background for the present application was set forth in the Decision mailed herein on 16 July 2007. That Decision dismissed applicant's original petition for withdrawal of the holding of abandonment based on applicant's failure to satisfy all the requirements of a grantable petition. Specifically, applicant had not satisfied the docket records requirement of a grantable petition.

On 14 September 2007, applicant filed the renewed petition considered herein.

**DISCUSSION**

As noted in the previous Decision, the docket records element of a grantable petition requires applicant to provide a "copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed." The Decision expressly stated that applicant's docket record for this specific application (as provided with the original petition) was "not sufficient to establish that the Notification Of Missing Requirements (Form PCT/DO/EO/905) was not received and misdocketed to another application." The Decision required applicant to provide "a docket record listing all replies due on 13 August 2006."

In response to the previous decision, applicant has included with the renewed petition the docketing program record for this particular application. These records do not indicate receipt of

the Notification Of Missing Requirements; however, as with the original petition, applicant has provided docket records only with respect to this particular application. As stated in the previous Decision, such materials are not sufficient to confirm that the Notification of Missing Requirements was not received by applicant but docketed in the wrong application. Thus, the present submission is again insufficient to satisfy the docket records requirement of a grantable petition.

Applicant must provide the full office docket record for all responses due in the USPTO on 13 and 14 August 2006, the date on which a response to the Notification Of Missing Requirements was due (13 August 2006, the actual two-month response deadline, was a Sunday). Such docket records are not to be limited to the present application alone.

Based on the above, the final element for a grantable petition under 37 CFR 1.181 is not satisfied on the present record.

### CONCLUSION

Applicant's renewed petition under 37 CFR 1.181 is **DISMISSED** without prejudice. The application remains abandoned.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and must include the required docket records, as discussed above and set forth in the MPEP.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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